



  
**Timothy W. Dore**  
**U.S. Bankruptcy Court Judge**  
(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

In re: Patrick Grant Petersen,  
Debtors,

Patrick Grant Petersen,  
Debtors/Plaintiffs,  
v.

Bank of America, N.A., and The Bank of New  
York Mellon FKA the bank of New York,  
successor Indenture Trustee to JPMorgan Chase  
Bank, N.A., as Indenture Trustee on behalf of  
the noteholders of the CWHEQ Inc., CWEQ  
Revolving Home Equity Loan Trust, series  
2006-C,

Defendants.

No. **19-14606 TWD**

**STIPULATED JUDGMENT FOR  
QUIET TITLE**

Chapter 13

Adv. Proc. No. 19-01152-TWD

STIPULATED JUDGMENT -- 1

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253-631-6484

THIS MATTER came before the Court upon the **agreement of the parties**. Plaintiff, having appeared through his attorney of record, Mark C. McClure, and Defendant, Bank of America, N.A., and The Bank of New York Mellon FKA the bank of New York, successor Indenture Trustee to JPMorgan Chase Bank, N.A., as Indenture Trustee on behalf of the noteholders of the CWHEQ Inc., CWEQ Revolving Home Equity Loan Trust (“CWEQ”), series 2006-C, appearing through attorney, Lance E. Olsen of McCarthy ♦ Holthus, LLP, have reached an agreement and the court, having reviewed the files and records, being fully advised in the premises finds that **the parties agree to following facts**:

1. THAT the parties stipulate and agree to entry of this judgment;
  2. THAT the subject real property that is the subject of this Complaint is located at 16032 SE 250th Ct. Covington, Washington, 98042 (herein after referred to as "Real Estate").

### Legal Description:

LOT 11, APPLE LANE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMNE 66 PLATS, PAGE 44, RECORDS, OF KING COUNTY, WASHINGTON.

LOT 134, TAMARACK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 197 OF PLATS, PAGES 31 THROUGH 38, IN KING COUNTY, WASHINGTON.

SITUATED IN THE COUNTY OF KING, STATE OF WASHINGTON

Parcel ID Number: 856289-1340.  
("Property")

3. THAT On or about January 9, 2006, Plaintiff executed a Deed of Trust identifying Countrywide Home Loans, Inc. ("Countrywide") as Lender with Mortgage Electronic Registration Systems, Inc., ("MERS") identified as "Beneficiary" securing a HELOC loan with an original principal amount of \$100,000 or so much thereof as may be advanced

**STIPULATED JUDGMENT -- 2**

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1 and readvanced from time to time, which was recorded on January 13, 2006, under  
2 recording number 20060113002620.

- 3
- 4 4. On or about December 20, 2012 an Assignment of Deed of Trust ("Assignment") was  
5 executed by MERS as Nominee for Countrywide and recorded on December 24, 2019,  
6 under recording number 20121224001466, in favor of The Bank of New York Mellon  
7 FKA the bank of New York, successor Indenture Trustee to JPMorgan Chase Bank, N.A.,  
8 as Indenture Trustee on behalf of the noteholders of the CWHEQ Inc., CWEQ Revolving  
9 Home Equity Loan Trust, series 2006-C.THAT Plaintiff has not made any payments on  
10 the DOT or any underlying note for more than 6 years and therefore such DOT is barred  
11 by the statute of limitations under RCW 7.28.300.
- 12 5. CWHEQ it is the "account's current creditor".
- 13 6. Plaintiff filed a Chapter 7 Bankruptcy in the Western District of Washington on  
14 September 23, 2011 under Case Number 11-21230-KAO and received a Discharge on  
January 5, 2012.
- 15 7. Plaintiff did not reaffirm the obligation secured by the DOT.
- 16 8. No payments have ever been made to Defendants since the Chapter 7 Discharge nor has  
17 Plaintiff entered into or promised a payment under a Mortgage Modification.
- 18 9. More than 6 years has elapsed since the Chapter 7 Discharge and default on the DOT and  
19 its underlying Note.
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23 STIPULATED JUDGMENT -- 3

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1           Based on the foregoing **agreed facts**, IT IS HEREBY ORDERED:

- 2           1. Deed of Trust under King County Recording Numbers 20060113002620 is extinguished  
3                         as to the Property referenced herein and Defendants' DOTs are terminated; and  
4           2. Each party to this Agreement shall bear their own fees and costs.

5  
6                         ## END OF ORDER ##  
7

8           Stipulated by:

9           LAW OFFICE OF MARK MCCLURE, PS

10           /s/ Mark C. McClure  
11           Mark C. McClure, WSBA No. #24393  
12           Attorney for Plaintiff

13           Stipulated by:

14           McCarthy & Holthus, LLP

15  
16           /s/ Lance E. Olsen  
17           Lance E. Olsen, WSBA# 25130  
18           Attorneys for **Defendants**

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23           STIPULATED JUDGMENT -- 4

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